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GENERAL NOTICE

NOTICE 1828 OF 2006

DRAFT NATIONAL CREDIT REGULATIONS, 2006

FOR GENERAL PUBLIC COMMENT

Content

1. Draft rules for the National Consumer Tribunal

Submissions to be submitted to

Ms Mpho Mosing
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Consumer and Corporate Regulation Division
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Closing date for submissions 26 January 2007

Published by the Department of Trade and Industry

Government Notice

Department of Trade and Industry

No. R.

Date:

**Regulations made in terms of the National Credit Act, 2005
(Act No 34 of 2005)**

By virtue of the power vested in me by section 171 of the National Credit Act, 2005, I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby prescribe the rules for the National Consumer Tribunal.

Mandisi Mpahlwa, MP

Date

Minister of Trade and Industry

Rules for the Conduct of Matters before the National Consumer Tribunal

Part A: the National Consumer Tribunal and its jurisdiction

National Consumer Tribunal

1. The National Consumer Tribunal ("the Tribunal")
 - 1.1. was established by the National Credit Act, 2005 ("the Act");
 - 1.2. is located on the 3rd Floor, Block A, the dti Campus, 77 Meintjies Street, Sunnyside, Pretoria;
 - 1.3. is open from 09:00 to 16:00 Mondays to Fridays, except on public holidays;
 - 1.4. has its postal address at Private Bag X84, Pretoria, 0001
 - 1.5. may be telephoned at (012) 394 41450;
 - 1.6. is able to receive faxes at (012) 394 42450;
 - 1.7. is able to receive e-mail at nct@thedti.gov.za

Matters that may be brought before the Tribunal

2. The Tribunal may –
 - 2.1. deal with substantive matters:
 - 2.1.1. listed in Table 1 at the end of these rules;
 - 2.1.2. referred to the Tribunal in terms of s.134(2)(c) of the Act;
 - 2.1.3. originating as a complaint to the Regulator or arising from a complaint, and referred to the Tribunal in terms of s.137(1), s.140 or s.141(1)(b) of the Act;
 - 2.1.4. upon the failure of alternative dispute resolution in a matter between a consumer and a credit provider, if referred to the Tribunal in terms of s.137(3) of the Act;
 - 2.2. grant interim relief in respect of a matter described in rule 2.1.3;
 - 2.3. confirm consent agreements entered into between parties (s.138);
 - 2.4. consider applications related to the adjudication process, namely applications –
 - 2.4.1. to intervene in proceedings (rules 23 or 26);
 - 2.4.2. to amend documents (rules 39 - 40);
 - 2.4.3. to change the forum at which a matter will be heard (s.140(4) or s.141(2)(a));
 - 2.4.4. to condone non-compliance with the Tribunal's rules and proceedings;
 - 2.4.5. for an order of substituted service (rule 87);
 - 2.4.6. to grant a default order (rule 73); or
 - 2.4.7. relating to other procedural matters;
 - 2.5. may in respect of its prior rulings, consider –
 - 2.5.1. matters on appeal in terms of s.148(1);

- 2.5.2. an application in terms of s.165 for the variation or rescission of a decision or order;
- 2.6. may distribute a remittance in terms of s.127(6);
- 2.7. may deal with any other matter in accordance with rule 20.

Part B: Applications

Initiating proceedings before the Tribunal

3. A party initiating proceedings before the Tribunal ("the Applicant") must comply with the requirements set out in Table 2 for the type of application being made, relating to –
 - 3.1. the time within which the application must be made;
 - 3.2. the form to be used;
 - 3.3. documents and information required;
 - 3.4. any application fee that is payable;
 - 3.5. the parties requiring notification of the application; and
 - 3.6. the documents that must be served on them.
4. If an application relates to a matter contemplated in rule 2.4 that is not specifically provided for in Table 2, the Applicant must –
 - 4.1. apply by way of Notice of Motion in Form TI.r4;
 - 4.2. append a supporting affidavit setting out the facts on which the application is based;
 - 4.3. serve the Notice and affidavit on the Respondent and other parties to the matter; and
 - 4.4. file the application documents and *proof of service* with the Tribunal.
5. If the Applicant is a company or other corporate entity, the officer signing the application must append a copy of the board resolution or other proof of authority to act on behalf of that company or entity.

Application fees

6. An application fee must be deposited in cash or transferred by way of electronic funds transfer into the Tribunal's designated bank account before the application is submitted.
7. The Tribunal's designated account is:
 - >insert details
 - >
 - >
8. If a fee is payable, a copy of the deposit slip or a print-out of the transfer record must be included in the application documents as *proof of payment*.

Notification of parties and service of application documents

9. The Applicant must notify the persons mentioned in *column g* of Table 2 by serving on them the documents required under *column h* of that Table.

10. The application documents must include a *proof of service* for every person requiring notification.

11. Notification and service must comply with rules 83 to 87.

Filing an application

12. Once notification of an application has been served in terms of rule 9, the application must be filed with the Tribunal.

13. An application is filed by delivery of the prescribed Form and all the documents listed in *column e* of Table 2, if applicable, or as required elsewhere in these rules, to the Registrar.

14. Applications to the Tribunal must be addressed to the Registrar and –
- 14.1. delivered to the location and during the hours specified in rule 1; or
 - 14.2. sent by registered mail to the postal address in rule 1.4; or
 - 14.3. sent by fax to the number in rule 1.6; or
 - 14.4. sent by e-mail to the address in rule 1.7.

15. In response to an application, the Registrar –
- 15.1. must allocate a unique reference number to the matter;
 - 15.2. must send the Applicant and the parties on whom the application was served an acknowledgment of receipt within 3 business days of receipt.

16. The filing of an application must comply with the general rules for delivery of documents (rules 88 to 91).

Incomplete applications

17. If an application does not satisfy the requirements of the rules –
- 17.1. the Registrar may within the time mentioned in rule 15.2, notify the Applicant and the other parties of the defect; and
 - 17.2. the Applicant may within a time permitted by the Registrar –
 - 17.2.1. complete the application; and
 - 17.2.2. if required to do so, serve the additional document or information on the parties.

Deemed applications

18. If the Tribunal grants leave in terms of s.137(1)(d) for a complaint submitted to the Regulator to be brought directly before the Tribunal –
- 18.1. the Complainant in the referred matter will become the Applicant to the Tribunal; and
 - 18.2. the Complainant must proceed in accordance with the rules applicable to the type of application made, provided that no application fee is payable.

19. If a Respondent to a matter that has been referred to alternative dispute resolution in terms of s.134(1)(b)(ii) objects in writing to the referral, and –
- 19.1. the objection was noted within 10 business days of the referral; and
 - 19.2. the matter could give rise to an application listed in Table 1; then
 - 19.3. the matter will be a deemed application to the Tribunal.
- 19.4. On receiving notification in terms of rule 19.1, the person who referred the matter to alternative dispute resolution may apply to the Tribunal according to the rules governing such an application.

Applications in respect of matters not provided for in the rules

20. A person wishing to bring before the Tribunal a matter which is not listed in rules 2.1 to 2.6, or otherwise provided for in these rules, must first apply to the High Court for a declaratory order confirming the Tribunal's jurisdiction –
- 20.1. to deal with the matter;
 - 20.2. to grant the order to be sought from the Tribunal.
21. The Tribunal must be served with notice of an application under rule 20.
22. If the High Court issues the declaratory order, the Tribunal Registrar must prescribe and notify the Applicant of –
- 22.1. the Form and manner in which the matter may be brought;
 - 22.2. the fee payable;
 - 22.3. the parties to be notified; and
 - 22.4. documents to be served.

Interventions by notice

23. The Regulator may intervene before the Tribunal in any matter referred in terms of s.137(4) of the Act.
24. An intervention in terms of rule 23 must be by way of a *notice of intervention* in Form TI.r23, served on the Applicant and every other party on whom the application was served, and filed with the Tribunal.
25. The Regulator's notice of intervention must include a description of –
- 25.1. the nature of the Regulator's interest in the proceedings; and
 - 25.2. the aspect on which the Regulator will make representations.

Interventions by application

26. An intervention other than in terms of rule 23 –
- 26.1. must be by application to intervene;
 - 26.2. using Form TI.r26;

- 26.3. served on the Applicant and every other party on whom the application was served; and
- 26.4. filed with the Registrar.
- 27. The application to intervene must include a concise statement of the nature of the Applicant's interest in the proceedings and the aspect on which the Applicant will make representations.
- 28. The presiding member in the principal matter may at his or her discretion –
 - 28.1. grant the application to intervene without a hearing;
 - 28.2. hear the application concurrently with the principal matter; or
 - 28.3. hear the application before the principal matter.
- Opposing an application or referral**
- 29. Any person required by these rules to be notified of an application or referral to the Tribunal may oppose the matter by serving an answer :
 - 29.1. on the Applicant; and
 - 29.2. on every other person on whom the application was served.
- 30. An answer to an application or referral other than an application for interim relief must be within 15 business days of the date of the application.
- 31. An answer to an application for interim relief must be within 10 business days of the application date, or within a shorter period if notified by the Chairperson in writing.
- 32. The answer must be in the form of an affidavit, setting out in numbered paragraphs –
 - 32.1. a concise statement of the grounds on which the matter is opposed;
 - 32.2. facts or allegations contained in the application or referral that the Respondent admits;
 - 32.3. facts or allegations contained in the application or referral that the Respondent denies (explaining where necessary why the fact or allegation is denied); and
 - 32.4. the material facts or points of law on which the Respondent relies.
- 33. Any fact or allegation in the application or referral not specifically denied or admitted in an answer will be deemed to have been admitted.
- 34. Within 3 business days of serving the answer in terms of rule 29, the Respondent must file with the Tribunal Registrar:

- 34.1. a cover sheet describing the matter and stating its Tribunal Reference Number;
- 34.2. a copy of the answer; and
- 34.3. *proof of service* in accordance with rule 85 for the persons mentioned in rules 29.1 and 29.2.

Reply

- 35. The Applicant may within 10 business days of being served with an answer, reply to any new issues raised in the answer, other than a point of law.
- 36. A reply must be in the form of an affidavit, setting out in numbered paragraphs –
 - 36.1. an admission or denial of each new ground or material fact raised in the answer; and
 - 36.2. the position of the Applicant on any point of law raised in the answer.
- 37. The Applicant must –
 - 37.1. serve the reply on the Respondent and on every other person who had to be notified of the application; and
 - 37.2. file the reply with the Tribunal, along with –
 - 37.2.1. a cover sheet describing the matter and stating its Tribunal Reference Number; and
 - 37.2.2. *proof of service* in accordance with rule 85 for the persons mentioned in 37.1.
- 38. If the Applicant does not file a reply, the Applicant will be deemed to have denied each new issue raised in the answer and each allegation of fact relevant to each of those issues.

Amendment of documents

- 39. An Applicant or Respondent may at any time prior to the end of the hearing of the matter, apply by way of Form T1.r4 for an order authorising an amendment of the application or response.
- 40. A party affected by an amendment may respond within a time allowed by the Tribunal.

Joinder or substitution of parties

- 41. The Chairperson may combine any number of persons, either jointly, jointly and severally, separately, or in the alternative, as parties in the same proceedings, if their rights to relief depend on the determination of substantially the same questions of law or fact.
- 42. A party to proceedings, on giving notice to the other parties, may apply to the presiding member for an order to substitute a person for a current party.

43. A joinder or substitution in terms of these rules will not affect the validity of any prior proceedings in the matter.

Part C: Hearings

Allocation of matters and pre-hearing procedures

44. Once an application complies with all formal requirements, the Chairperson must –
- 44.1. if it is a matter to be considered by a single member, allocate the matter to a member of the Tribunal who shall be the presiding member; or
 - 44.2. if it is a matter to be considered by a panel, allocate the matter to a panel of the Tribunal and appoint one of the panel members as the presiding member.
45. The Chairperson must ensure that the member mentioned in 44.1, or one of the members mentioned in 44.2, as applicable, is a person with suitable legal qualifications and experience.
46. Prior to a hearing, the presiding member may confer with the parties to the matter.
47. A pre-hearing conference –
- 47.1. may be in person or by telephone;
 - 47.2. need not follow any formal procedures;
 - 47.3. may be adjourned and re-convened; and
 - 47.4. is not open to the public.
48. At a pre-hearing conference, the presiding member may –
- 48.1. give directions for the clarification or simplification of issues;
 - 48.2. obtain admissions of facts or documents;
 - 48.3. set the time within which any evidence must be obtained or preparations for the hearing must be complete;
 - 48.4. determine the treatment of confidential information;
 - 48.5. determine procedures to be followed at a hearing;
 - 48.6. settle the date, time and place of a hearing;
 - 48.7. attend to any other matter that might assist with the proceedings or to resolve the matter.
49. If the presiding member considers that it would be practical to resolve any point of law before proceeding with a pre-hearing conference, the member may –
- 49.1. direct the Registrar to set down that point of law for a hearing by the Tribunal; and

49.2. may adjourn or postpone the conference pending the outcome of the hearing.

50. In any matter which originated as a complaint to the Regulator, and was referred to the Tribunal in terms of s.137(1), s.140 or s.141(1)(b), the presiding member may direct the Regulator to investigate or further investigate the matter or to procure specified evidence.

51. At the conclusion of pre-hearing procedures, the presiding member must –

- 51.1. issue a notice recording any agreements or rulings relating to the matter dealt with;
- 51.2. publish the notice to the parties and file it with the Registrar;
- 51.3. direct that the Registrar set the matter down for the time and place specified in rule 48.6.

Set down and postponements

52. The Registrar must issue a *notice of set-down* to the parties in a matter that is set down.

53. A party to the proceedings may apply for a postponement, and the Registrar may notify the parties of the postponement –

- 53.1. if permitted by the presiding member; and
- 53.2. by issuing a supervening *notice of set-down*.

Withdrawal of matters

54. The Applicant, before a matter has been determined, may withdraw all or part of it by –

- 54.1. serving a notice of withdrawal in Form TI.r54 on the other parties;
- 54.2. filing with the Tribunal a copy of the notice of withdrawal with *proof of service*.

55. A notice of withdrawal may include a consent to pay costs, or the other party may apply to the Tribunal for an order for costs.

Consent orders

56. The Tribunal may confirm a resolution or agreement as a consent order –

- 56.1. on application by the facilitator of that resolution or agreement; and
- 56.2. without hearing any evidence.

57. Upon the receipt of an application for a consent order, the Chairperson must allocate the matter for adjudication at the earliest possible date.

58. If the Tribunal refuses to make the consent order applied for, or requires any changes that a party is unwilling to accept, the Registrar must serve on each party to the agreement or resolution –
- 58.1. a notice that the application has been refused; and
 - 58.2. a copy of the agreement or resolution in its original form, in respect of which the application was refused.

Hearings

59. A hearing must be informal and follow procedures determined by the presiding member –
- 59.1. in terms of rule 48.5;
 - 59.2. at any time during a hearing.
60. The Tribunal shall be the judge of the admissibility of any evidence adduced and of its probative value.
61. In a hearing for interim relief, only evidence by affidavit will be admitted, subject to the provisions of rule 59.2.
62. If the Tribunal requires a witness to give evidence at proceedings, the presiding member may have a summons issued, specifying any document or item the witness will be required to produce.
63. A summons must be served by the Sheriff in a manner authorised by Rule 4 of the High Court Rules.
64. A witness must take an oath or affirm the undertaking contained in Table 3.
65. The Tribunal may order that a witness –
- 65.1. be paid in accordance with the tariff of allowances published by the Minister of Justice by notice in the Gazette in terms section 42 of the Supreme Court Act, 1959 (Act 59 of 1959);
 - 65.2. be paid a portion of the amount permitted under rule 65.1; or
 - 65.3. not be paid.
66. A party requiring the services of an interpreter must notify the Registrar at least 10 days prior to the date for which the matter has been set down.
67. An interpreter –
- 67.1. will be procured at the expense of the Tribunal;
 - 67.2. must be a person admitted as a sworn translator of the High Court; or
 - 67.3. must take an oath or affirm the undertaking contained in Table 3, with a signed copy to form part of the record of the proceedings.

68. The presiding member may condone any technical irregularities in the conduct of proceedings.

Settlement conference

69. At any time prior to making a final order in relation to a matter, the member or panel, as the case may be, may order an adjournment of the proceedings to allow an opportunity for the parties to reach agreement on an issue.

Record of hearing

70. The Registrar must compile a record of any matter which has come before the Tribunal, comprising –

- 70.1. the application documents;
- 70.2. notices;
- 70.3. the presiding member's record of pre-hearing procedures;
- 70.4. any interlocutory orders made by the Tribunal;
- 70.5. all documentary evidence;
- 70.6. the transcript, if any, of the oral evidence given at the hearing; and
- 70.7. a written record of the Tribunal's final decision with reasons.

Matters struck-off

71. The presiding member –

- 71.1. may strike a matter off the roll if the Applicant is not present at the hearing;
- 71.2. may re-enroll the matter only if the Applicant files an affidavit which explains the failure to attend the hearing to the satisfaction of the presiding member.

Orders and awards of the Tribunal

72. The Tribunal may make the orders mentioned in s.150 and elsewhere in the Act.

73. An Applicant may apply for a default order against a party, if no response to the application was filed within the prescribed time.

74. The Tribunal may make an order in term of rule 73 -

- 74.1. after it has considered or heard any necessary evidence; and
- 74.2. if it is satisfied that the application documents were adequately served.

75. The Tribunal may award costs in the circumstances contemplated in s.147 of the Act, in the following terms –

- 75.1. the fees of a single representative may be allowed between party and party;

- 75.2. the costs between party and party must be taxed by the Registrar according to the tariff agreed between the parties or otherwise according to the tariff applicable in the High Court;
 - 75.3. the Registrar may tax a bill of costs for services actually rendered in connection with proceedings, and call for any book, document paper or account that in the Registrar's opinion is necessary to properly determine any matter relating to the taxation.
76. The Registrar must not proceed to the taxation of any bill of costs unless the party liable to pay the bill –
- 76.1. is the party requesting the taxation;
 - 76.2. failed to appear and was not represented at the hearing;
 - 76.3. consented in writing to the taxation taking place *in absentia*; or
 - 76.4. received due notice as to the time and place of the taxation and of the party's right to be present.
77. The Registrar may delegate any of the responsibilities imposed under rules 75 and 76 to a suitably qualified person employed by the Tribunal to act as taxing master.
78. The taxation of costs is subject to the review of the High Court on application.

Appeals

79. Upon the filing of a notice of Appeal, the Registrar –
- 79.1. in consultation with the Chairperson, must set down a date and time for the hearing of the appeal;
 - 79.2. must serve a *notice of set-down* on the appellant and every other party to the matter appealed against.

Rules relating to court orders and court notices

80. A court which in terms of s.130(4)(d), serves an order or delivers a notice to the Tribunal –
- 80.1. must in either case,
 - 80.1.1. identify the parties to the court proceeding;
 - 80.1.2. identify the credit agreement concerned;
 - 80.1.3. specify the date on which application was made to the court;
 - 80.1.4. cite the matter as it is cited before that court;
 - 80.1.5. cite the Tribunal Reference Number of the matter;
 - 80.2. must in respect of an order, state how the matter before the Tribunal affects the issues to be determined by the court;
 - 80.3. must in respect of a notice, state how the court depends on the outcome of the matter before the Tribunal in order to conclude its own matter.

81. An order or notification under rule 80 must be served or delivered in accordance with the general rules relating to the service or delivery of documents (rule 83 or 88).
82. Within 5 business days of receipt of an order under s.130 the Tribunal must send a *notice of adjournment* to the Applicant and any other parties to the matter before the Tribunal.

Part D: General rules

Service and proof of service

83. A document may be served on a party by –
- 83.1. delivering it to the party; or
 - 83.2. sending it by registered mail to the party's last known address.
84. Parties may expedite service by sending notices and documents by fax or e-mail, provided that this is followed within 3 business days with service in accordance with rule 83.
85. Proof of service –
- 85.1. in the case of rule 83.1, must be by –
 - 85.1.1. a signed acknowledgment of receipt by the party, a representative of the party, or an adult residing or employed at premises occupied or utilised by the party; or
 - 85.1.2. an affidavit by the person who served the document if the person to whom it was delivered refused to sign for it;
 - 85.2. in the case of rule 83.2, must be the postal agent's receipt with the tracking code of the document;
 - 85.3. in the case of rule 84, must be a copy of the transmission report, to be followed subsequently with proof in terms of rules 85.1 or 85.2.
86. If the Tribunal cannot serve a document or notice in accordance with these rules, it may apply to the High Court for an order of substituted service.
87. If any party other than the Tribunal cannot serve a document or notice in accordance with these rules, it may apply to the Tribunal in Form TI.r87 for an order of substituted service.

Delivery of documents

88. Subject to the rules that follow, a document or notice that is not required by the rules to be served on a person, may be delivered to that person –
- 88.1. at a physical address;
 - 88.2. by registered mail;

88.3. by fax; or

88.4. by e-mail.

89. Documents sent by fax or e-mail must include in a cover page or cover message,

89.1. the name, address and telephone number of the sender;

89.2. the name of the person to whom it is addressed;

89.3. the date and time of transmission;

89.4. the total number of pages sent;

89.5. the name and telephone number of the person to contact if transmission is flawed; and

89.6. the manner in which and person to whom an acknowledgment of receipt should be sent.

90. If the rules require that a certified copy of a document be filed with the Tribunal, that document must be filed in hard copy format, either by delivery to the location specified in rule 1.2, or by registered mail to the address specified in rule 1.4.

91. If a document is delivered to the Tribunal later than the closing time specified in rule 1.3, the next business day will be recorded as the date of filing of that document.

Representation of parties

92. A party to a matter may act in person or appoint a representative.

93. A person appointed as representative must notify the Registrar and the other parties to the matter by advising them of his or her –

93.1. name;

93.2. postal address and address for service of documents;

93.3. telephone and fax numbers; and

93.4. e-mail address; and providing

93.5. the Tribunal Reference Number of the matter; and

93.6. the name of the person represented.

94. A party who terminates a representative's authority to act in a matter must notify the Registrar and the other parties, and –

94.1. if that party will henceforth act in person, provide the details as listed in rules 93.1 to 93.5.

94.2. if another representative has been appointed, provide details as in rule 93.

95. On receipt of a notice under rule 93 or rule 94, the address given in that notice will become the party's address for all notification and service required in that matter.

Condonation of late filing and non-compliance with rules

96. A party may apply to the Tribunal in Form TI.r96 for an order –

- 96.1. to condone late filing of a document or application;
- 96.2. to extend or reduce the time allowed for filing or serving;
- 96.3. to condone the non-payment of a fee; or
- 96.4. to condone any other departure from the rules or procedures.

97. The Tribunal may grant the order on good cause shown.

Payments and remittances

98. The payment of fees specified in Table 2, of fines imposed by the Tribunal under s.151 or of remittances in terms of s.127(6) must be by cash deposit or electronic transfer into the Tribunal's designated bank account specified in rule 7.

99. A payment must be identified with a *payment reference* chosen by the payer.

100. A copy of the deposit slip or a printout of the transfer record must be appended to any document in which *proof of payment* is required.

101. Subsequent to the payment of a fine, but no later than 3 business days after the payment, a *payment advice* in the form of TI.r98 and a copy of the deposit record must be delivered to the Tribunal.

Access to Tribunal records

102. Tribunal records may be inspected by arrangement with the Registrar.

103. Confidential information may only be inspected –

- 103.1. by the person who provided the information;
- 103.2. by the person to whom the information belongs;
- 103.3. on order of the Tribunal or a court.

104. The Registrar may charge a fee of –

- 104.1. R2.00 per A4 page for copies of Tribunal documents; and
- 104.2. R45.00 for the Registrar's certification of the correctness of copies of documents.

Powers of the Chairperson to deviate from certain rules

105. The Chairperson may on good cause shown, and in keeping with the requirements of justice, expediency and the objects of the Act –

105.1. direct that the Registrar accept documents:

- 105.1.1. at a different location to that in rule 1.2;
- 105.1.2. outside of the hours specified in rule 1.3;

105.2. waive any fee:

- 105.2.1. payable by a consumer in respect of an application;

- 105.2.2. payable in an application to limit obligations in respect of frivolous, vexatious or wholly unreasonable requests;
- 105.3.direct that any time permitted for an answer to an application, a reply or any other action in response to an application or referral, be shortened or extended;
- 105.4.direct that a matter be heard by telephone or video conferencing.
106. The Chairperson may delegate any of these powers to a presiding member.

Part E: Interpretation and short title

Interpretation

107. Where these rules –

- 107.1.refer to a section without naming the statute, the reference is to that section in the Act;
- 107.2.use a term in column one of the table below, it has the meaning given to it in column 2.

ADR	means alternative dispute resolution
Form NCR	means a form contained in the National Credit Regulations, 2006
Form TI	means a Form contained in these rules
file or filing	in relation to the Tribunal, means to deliver in terms of rules 88 to 91
High Court Rules	means the Rules Regulating the Conduct of the Several Provincial and Local Divisions of the High Court of South Africa, as published by Government Notice R48 on 12 January 1965, as amended
party	to any matter includes an Applicant, Respondent, intervener, and any party joined in or substituted for another
record	includes an electronic record and a voice recording
referral	includes, where applicable, all the documents and other records appended to the referral
registered mail	includes any type of mail with a tracking capability
Registrar	means the person performing the functions of the Tribunal Registrar and includes any acting or assistant Registrar
Regulator	means the National Credit Regulator
Sheriff	means a person appointed as a sheriff, acting sheriff or deputy sheriff in terms of the Sheriff's Act, 1986 (Act 90

	of 1986)
Tribunal	with reference to an adjudication, means the member or panel of members to whom the matter was allocated
Tribunal Reference Number or TRN	means the unique number or code by which the matter is identified in the files of the Tribunal

Short title

108. These Regulations may be cited as the *NCT Rules*.

Prescribed Forms for the Conduct of Matters before
the National Consumer Tribunal

Form TL.55(6)

Application to the National Consumer Tribunal to
enforce compliance with a notice
issued in terms of s.55(1) of the
National Credit Act, 2005

This application must be filed with the Tribunal and served on the
parties mentioned in Part E, in accordance with Tribunal Rules 9-16.

Date _____

To _____

(name of person to whom the s.55(1)
notice was issued)

And to _____

(name of financial regulator, if the
registrant is a regulated financial
institution)

Please take note that the National Credit Regulator has
commenced proceedings before the National Consumer Tribunal
for an order to compel the person named in Part B to comply with
the terms of a notice issued in terms of s.55(1) of the National
Credit Act, 2005.

Further note that you may oppose the application by serving an
answer within 15 business days of the date of this notice on the
Applicant and on the other parties to whom this notice is
addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers
of the National Credit Regulator:

Person responsible for this application, and position within the National
Credit Regulator:

Part B: Details of the person to whom
the s.55(1) notice was issued

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number _____

Date of registration with the Regulator _____

The registrant,

- ☐ is a regulated financial institution, being a _____
(describe the category of institution) licensed in term of the _____ Act; or
- ☐ is not a regulated financial institution.

Part C: Alleged non-compliance

Attach a copy of the notice sent to the party mentioned in B. (Form NCR 13) and provide further details if necessary of the non-compliance addressed by the notice _____

List the documents appended as proof of the failures or contraventions:

Part D: Applicant's certification of notice to parties, service of
documents and means of service

I/we certify that the following persons have been notified of this application:

(1) the party mentioned in Part B, by service in the manner indicated below, of a copy of this Form along with the documents mentioned in Part C:

- ☐ delivery to the registrant's physical address
☐ dispatch by registered mail to the registrant's postal address
☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(2) the financial regulator, by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the regulator's physical address
☐ dispatch by registered mail to the regulator's postal address
☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(omit or delete section (2) if not applicable).

Part E: Applicant's certification of other documents
appended to the application

I/we certify that the following documents are appended to this application:

- (a) a copy of Form NCR 13;
- (b) copies of the documents mentioned in Part C;
- (c) *proof of service* according to Tribunal Rule 85 for each of the parties named in Part D.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
National Credit Regulator

Form T1.57(1)

**Application to the National Consumer Tribunal to cancel
the registration of a registrant**

This application must be filed with the Tribunal and served on the parties mentioned in Part E, according to Tribunal Rules 9-16.

Date _____

To _____

(name of registrant)

And to _____

(name of financial regulator, if the
registrant is a regulated financial
institution)

Please take note that the National Credit Regulator has commenced proceedings before the National Consumer Tribunal for an order to cancel the registration of the registrant named in Part B, on the grounds set out in Part C of this application.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers
of the National Credit Regulator:

Person responsible for this application, and position within the National
Credit Regulator:

Part B: Details of the registrant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number _____

Date of registration with the Regulator

The registrant,

- ☐ is a regulated financial institution, being a _____
(describe the category of institution) licensed in term of _____
_____; or
- ☐ is not a regulated financial institution.

Part C: Alleged grounds for cancellation

The order is sought in response to the registrant's:

- ☐ repeated failure to comply with a condition of its registration;
- ☐ repeated failure to meet a s.48(1) commitment;
- ☐ repeated contravention of the Act.

Part D: Details of failures or contraventions

date of occurrence	description of failure or contravention

Documents appended as proof of the failures or contraventions:

(using the date of each alleged failure or contravention as a heading, name and describe each document appended in support of that allegation).

Part E: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the following persons have been notified of this application:

(1) the registrant, by service in the manner indicated below, of a copy of this Form along with the documents mentioned in Part D:

- ☐ delivery to the registrant's physical address
- ☐ dispatch by registered mail to the registrant's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(2) the financial regulator, by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the regulator's physical address
- ☐ dispatch by registered mail to the regulator's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(omit or delete section (2) if not applicable)

Part F: Applicant's certification of other documents
appended to the application

I/we certify that the following documents are appended to this application:

- (a) copies of the documents mentioned in Part D;
- (b) a copy of the registrant's registration certificate and of any conditions imposed upon and after registration;
- (c) if the registrant is a regulated financial institution, a copy of the financial regulator's consent in terms of s.57(2)(c);
- (d) proof of service in accordance with Tribunal Rule 85 for each of the parties named in Part E.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
National Credit Regulator

Form TI.59(1)

**Application to the National Consumer Tribunal
to review a decision of the Regulator**

This application must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal Rules 9-16.

Date _____

To The National Credit Regulator

And to _____

(if the Applicant is not the registrant or aspirant registrant in respect of the Regulator's decision, then address this application also to the registrant or aspirant registrant)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to set aside a decision of the Regulator on the grounds set out in Part C of this application.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator (if applicable)

The Applicant is,

- ☐ the registrant / aspirant registrant in respect of the decision of the Regulator; or
- ☐ a third party affected by the decision in the following way:

(provide a detailed description)

If the Applicant is a third party, provide details of the registrant or aspirant registrant:

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator (if applicable)

If the application is more than 20 business days after the date of the decision to be reviewed, state reasons why the application should be permitted:

Part B: Decision to be reviewed

The decision of the Regulator to be reviewed is -

- (1) a decision taken in response to an application:
- ☐ by a person to become a credit provider (s.40)
 - ☐ by a credit provider or aspirant credit provider to provide developmental credit (s.41)
 - ☐ by a person to become a credit bureau (s.43)
 - ☐ by a person wishing to become a debt counsellor

or,

- (2) a decision:
- ☐ in terms of s.45 to request additional information
 - ☐ in terms of s.48 to impose conditions on registration
 - ☐ in terms of s.49 to vary conditions or impose new conditions.

If the Tribunal is required to review a decision under (1), append to this Form a copy of:

(a) the completed NCR Form by which the application was made to the Regulator and all documents submitted in support of that application; and

(b) the written record of the Regulator's decision to be reviewed.

If the Tribunal is required to review a decision under (2), append to this Form a copy of the written record of the Regulator's decision to be reviewed and state clearly which aspect of the decision is to be reviewed:

Part C: Grounds for review

Set out in detail the grounds for a review of the decision (alternative grounds may be stated if based on the same facts) _____

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the following persons have been notified of this application:

(1) the National Credit Regulator, by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the Regulator's physical address
- ☐ dispatch by registered mail to the Regulator's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(2) the registrant or aspirant registrant (if the Applicant in this matter is someone other than that person) by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the registrant's physical address
- ☐ dispatch by registered mail to the registrant's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

(omit or delete section (2) if not applicable)

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R500.00 has been transferred / deposited into the Tribunal's designated bank account.

The Applicant's deposit/ transfer reference is _____

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this application:

- (a) copies of the documents required under Part B;
- (b) proof of service in accordance with Tribunal Rule 85 for each of the parties named in Part D;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.63(5)

**Application to the National Consumer Tribunal
to review the rejection of a language proposal**

This application must be filed with the Tribunal and served on the party mentioned in Part C, according to Tribunal Rules 9-16.

Date _____

To The National Credit Regulator

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to set aside a decision of the Regulator in respect of a language proposal.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator (if applicable)

If the application is made more than 20 business days after the date of the decision to be reviewed, state reasons why the application should be permitted:

Part B: Grounds for review

With reference to the provisions of s. 63(1) of the Act, set out in detail the grounds for a review of the decision (alternative grounds may be stated if based on the same facts) _____

Part C: Applicant's certification of notice to parties,
service of documents and means of service

I/we certify that the National Credit Regulator has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the Regulator's physical address
- ☐ dispatch by registered mail to the Regulator's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

Part D: Applicant's certification of payment of application fee

I/we certify that an application fee of R500.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

Part E: Applicant's certification of other documents
appended to the application

I/we certify that the following documents are appended to this application:

- (a) a copy of the language proposal that was rejected by the Regulator;
- (b) a copy of the Regulator's written notification of rejection of the proposal;
- (c) proof of service in accordance with Tribunal Rule 85 for the party named in Part C;
- (d) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
Applicant

Form TL71(3)

**Application to the National Consumer Tribunal to review a
decision to refuse a clearance certificate**

This application must be filed with the Tribunal and served on the
party mentioned in Part D, according to Tribunal Rules 9-16.

Date _____

To the debt counsellor

Please take note that the Applicant named in Part A has
commenced proceedings before the National Consumer Tribunal
to review a decision to refuse a clearance certificate and for an
order to compel the production of a clearance certificate.

Further note that you may oppose the application by serving an
answer within 15 business days of the date of this notice on the
Applicant and on the other parties to whom this notice is
addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the debt counsellor

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

National Credit Regulator registration number and date of registration
with the Regulator

Part C: Details of application for clearance certificate

Date of debt re-arrangement _____

Names of the parties to the debt re-arrangement _____

Append a copy of the agreement or Magistrate's Court order whereby the debt was re-arranged.

Date on which application was made to the debt counsellor _____

Append a copy of the application to the debt counsellor, which must include any receipts or other documents submitted to prove that the consumer has met obligations arising from the agreement or order.

Debt counsellor's reference if any _____

The debt counsellor's reason's for refusing to issue the clearance certificate: _____

If the debt counsellor's reasons for refusal are in writing, append a copy of the document.

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the debt counsellor named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the debt counsellor's physical address
- ☐ dispatch by registered mail to the debt counsellor's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/ deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this application:

- (a) the documents mentioned in Part C;

(b) proof of service in accordance with Tribunal Rule 85 for the party named in Part B;

(d) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.82(4)

**Application to the National Consumer Tribunal to impose
guidelines for the assessment of credit ability**

This application must be filed with the Tribunal and served on the party mentioned in Part E, according to Tribunal Rules 9-16.

Date _____

To _____

(name of credit provider)

Please take note that the National Credit Regulator has commenced proceedings before the National Consumer Tribunal for an order to impose guidelines for the assessment of credit ability on the registrant named in Part B, on the grounds set out in Part C of this application.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers of the National Credit Regulator:

Person responsible for this application, and position within the NATIONAL CREDIT REGULATOR:

**Part B: Details of the credit provider on whom
the guidelines should be imposed**

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration
number _____

Date of registration with the Regulator

The registrant,

- ☐ is a regulated financial institution, being a _____
(describe the category of institution) licensed in terms of _____; or
- ☐ is not a regulated financial institution.

Part C: Details of failures to meet obligations under s:81

date of occurrence	description of failure or contravention

Documents appended as proof of the failures:

(using the date of each alleged failure as a heading, name and describe each document appended in support of that allegation).

Part D: Regulator's assessment of applicability of published guidelines

- ☐ We consider that the guidelines appended to this application, as published by the Regulator in terms of s.82(2)(b) should be imposed on the credit provider;
- or
- ☐ in the absence of any published guidelines applicable to the credit provider, we request the Tribunal to impose guidelines in the following terms: _____

Part E: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the credit provider mentioned in Part B has been notified of this application, by service in the manner indicated below of a copy of this Form along with the documents mentioned in Part C and the document mentioned in Part D (if applicable):

- ☐ delivery to the credit provider's physical address
- ☐ dispatch by registered mail to the credit provider's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow

Part F: Applicant's certification of other documents
appended to the application

I/we certify that the following documents are appended to this application:

- (a) copies of the documents mentioned in Part C;
- (b) a copy of any applicable guidelines mentioned in Part D;
- (c) proof of service in accordance with Tribunal Rule 85 for each of the parties named in Part E.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
National Credit Regulator

Form TI.99(2)

**Application to the National Consumer Tribunal for
compensation from a pawnbroker in lieu of property**

This application must be filed with the Tribunal and served on the party mentioned in Part D, according to Tribunal Rules 9-16.

Date _____

To _____

(name and address of
pawnbroker)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for compensation from the pawnbroker named in Part B in lieu of property lost or sold.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the pawnbroker

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration

Part C: Details of property and pawn-broking transaction

Description of the property _____

Date on which property was delivered to the pawnbroker _____
with a copy of the credit agreement and pawnbroker's receipt
appended.

The Applicant's estimate of the value of the property, setting out the
basis for the valuation _____

Attach any document giving evidence of the value of the property.

Date on which pawn-broking agreement terminated _____

Date on which settlement amount was paid or tendered to the
pawnbroker _____ with the pawnbroker's receipt of
payment appended (if applicable).

Part D: Grounds for the application

I/ we allege that the settlement value under the agreement was paid or
tendered prior to the date on which the pawn-broking agreement
terminated, and that the amount tendered in settlement:

- ☐ was not accepted by the pawnbroker; or
- ☐ was accepted by the pawnbroker, but that the property was not
returned.

Part D: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the pawnbroker named in Part B has been notified of
this application by service in the manner indicated below, of a copy of
this Form:

- ☐ delivery to the pawnbroker's physical address
- ☐ dispatch by registered mail to the pawnbroker's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by
registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

Part F: Applicant's certification of other documents appended to the application

I/we certify that the following documents are appended to this
application:

- (a) the documents and receipts mentioned in Part C;

(b) proof of service in accordance with Tribunal Rule 85 for the party named in Part B;

(c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
Applicant

Form TL114(1)

Application to the National Consumer Tribunal to compel the production of a statement

This application must be filed with the Tribunal and served on the party mentioned in Part E, in accordance with Tribunal Rules 9-16.

Date _____

To _____

(name and address of the credit provider)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to compel the production of a statement.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the credit provider required to produce the statement

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

National Credit Regulator registration number and date of registration with the Regulator

Part C: Details of statement required

Describe the type of credit agreement (whether a mortgage loan, revolving loan, instalment agreement, lease, secured loan or pawn transaction, etc.)

State the account no, if any _____

State the type of statement required:

☐ a periodic statement of account

or, a statement by request of

- ☐ the current balance of the account
- ☐ amounts credited or debited over a specified period
- ☐ amounts currently overdue
- ☐ amounts currently payable
- ☐ the amount required to settle the credit agreement

(1) If a periodic statement is required,

(a) is there any provision in the credit agreement dealing with the frequency of statements, and if so what does the agreement say?

(b) state the date on which the statement was due to be delivered.

(2) If the statement required is to be delivered in response to a request, state the date on which the statement was requested, attaching a copy of the request or stating the manner in which and the person to whom the request was made:

Part D: Grounds for application

I / we allege that on the date of this application the statement was due, and that the statement has not been delivered.

**Part E: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the credit provider named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the credit provider's physical address
- ☐ dispatch by registered mail to the credit provider's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part F: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part G: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this
application:

- (a) a copy of the credit agreement mentioned in Part C;
- (b) if available, a copy of the latest periodic statement delivered under
the credit agreement;
- (c) if applicable, a copy of the Applicant's written request for a
statement;
- (d) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (e) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.115(1)

**Application to the National Consumer Tribunal to resolve a
disputed entry to a statement**

This application must be filed with the Tribunal and served on the
party mentioned in Part F, in accordance Tribunal Rules 9-16.

Date _____

To _____

(name and address of the
credit provider)

Please take note that the Applicant named in Part A has
commenced proceedings before the National Consumer Tribunal
for an order to rectify an entry to a statement.

Further note that you may oppose the application by serving an
answer within 15 business days of the date of this notice on the
Applicant and on the other parties to whom this notice is
addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the credit provider

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator

Part C: Details of the ADR agent to whom the matter was referred

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

National Credit Regulator registration number and date of registration
with the Regulator _____

Part D: Details of rectification order sought

Describe the type of credit agreement (whether a mortgage loan, revolving loan, instalment agreement, lease, secured loan or pawn transaction, etc.) _____

State the account no, if any _____

Attach copies of the statement(s) containing disputed entries showing and numbering the disputed entries.

In respect of each of the disputed entries, using the number as the reference, set out the grounds on which it is disputed: _____

Attach a copy of the credit provider's written explanation of these entries, given in terms of s.111(2)(a) of the Act.

State why the explanation is not accepted _____

**Part E: Applicant's certification that its attempt at
alternative dispute resolution has failed**

I/ we certify that we have tried in good faith to resolve the dispute directly with the credit provider and through alternative dispute resolution, but that these attempts failed.

Attach a copy of the ADR agent's completed Form NCR 28.

**Part F: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the credit provider named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the credit provider's physical address
- ☐ dispatch by registered mail to the credit provider's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part G: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part H: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this
application:

- (a) copies of the documents mentioned in Part D;
- (b) a copy of the Form mentioned in Part E;
- (c) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (d) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.128(1)

**Application to the National Consumer Tribunal
for a review of a sale of goods**

This application must be filed with the Tribunal and served on the party mentioned in Part D, in accordance with Tribunal Rules 9-16.

Date _____

To _____

(name and address of the credit
provider)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order against the credit provider named in Part B for the payment of compensation in respect of the sale of goods.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the credit provider

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator

Part C: Grounds for compensation

Having surrendered goods in terms of section 127 of the Act, I/we claim compensation from the credit provider named in Part B, on the grounds that:

- ☐ the credit provider did not sell the goods as soon as reasonably possible

or

- ☐ the credit provider did not sell the goods at the best price reasonably obtainable

If the claim is based on the earlier grounds, append a copy of the notice given to the credit provider in terms of s.127(1), stating the date of delivery of that notice to the credit provider:

If goods had to be returned to the credit provider, state the date of the delivery of those goods _____ and append a copy of the credit provider's receipt.

Describe any other communications with the credit provider prior to the sale, appending copies of written communications if available:

State the date of sale of the goods _____

State the interest and other costs to you resulting from the delay in sale _____

If the claim is based on the latter grounds, describe the property sold:

State your estimate of the value of the property, setting out the basis for the valuation

(append any document supporting the valuation of the property).

Attach the credit provider's written estimate of the value as required in terms of s.127(2).

State the net proceeds of the sale _____

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the credit provider named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the credit provider's physical address
☐ dispatch by registered mail to the credit provider's postal address
☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this
application:

- (a) copies of the documents mentioned in Part C;
- (b) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TT.138(1)

**Application to the National Consumer Tribunal
for a consent order**

This application must be filed with the Tribunal and served on the parties mentioned in Part D, according to Tribunal Rules 9-16.

Date _____

To _____

(name of other party to consent
agreement)

And to _____

(name of other party to consent
agreement)

etc.

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to give effect to an agreement reached between the parties named in Part B of this application.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

**Part B: Details of the parties / other parties to the
consensual agreement**

This part must be completed in full for each of the other parties to the agreement.

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of facilitator

If this application is made:

- ☐ subsequent to an investigation by the Regulator, state name and contact details of the person responsible for the investigation

- ☐ subsequent to a dispute resolution by an Ombud, consumer court or ADR agent, state details of the entity and the name and contact details of the person responsible _____

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

This part must be completed in full for every person named in Part B.

I/we certify that the other party named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/ deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this application:

- (a) a signed copy of the agreement between the parties;
- (b) proof of service in accordance with Tribunal Rule 85 for each of the parties named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TL142(3)(f)

Application to the National Consumer Tribunal to limit obligations in response to consumer requests

This application must be filed with the Tribunal and served on the party mentioned in Part E, in accordance with Tribunal Rules 9-16.

Date _____

To _____

(name and address of the consumer)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order limiting the Applicant's obligations in respect of the consumer named in Part B of this application.

Further note that you may oppose the application by serving an answer within 15 business days of the date of this notice on the Applicant and on the other parties to whom this notice is addressed. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Details of the consumer

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part C: Order sought from the Tribunal

I/ we hereby apply for an order to limit my /our obligations in terms of:

- ☐ s.62 (to produce written statements of reasons for declining an application or terminating credit)
- ☐ s.65 (to produce replacement copies of credit documentation from a credit provider)
- ☐ s.72 (to produce information held or to be reported to a credit bureau and require an investigation into the accuracy of information)
- ☐ s.110 (to produce statements of balances)
- ☐ s.113 (to produce settlement amounts)

Part D: Grounds for application

Details of previous requests made by the same person

date of request	type of request

For purposes of an order in terms of s.62, s.65, s.110 and s.113, state reasons why the request is to be considered frivolous or vexatious: _____

or

For purposes of an order in terms of s.72, state reasons why the request is to be considered frivolous, unfounded or wholly unreasonable, or why the history or pattern of such requests should be considered frivolous or vexatious: _____

Append any documentary or other evidence for the allegations made under this Part.

Part E: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the consumer named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the consumer's physical address
- ☐ dispatch by registered mail to the consumer's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part F: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part G: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

- (a) the document or other evidence mentioned in Part D;
- (b) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
Applicant

Form TI.137(3)

**Application to the National Consumer Tribunal upon failure
of alternative dispute resolution between a consumer and
credit provider**

This application must be filed with the Tribunal and served on the
party mentioned in Part F, according to Tribunal Rules 9-16.

Date _____

To _____

(the other party to the failed
ADR process)

Please take note that the Applicant named in Part A has
commenced proceedings before the National Consumer Tribunal
for an order described in Part D.

Further note that you may oppose the application / intervene in
the matter by serving an answer within 15 business days of the
date of this notice on the Applicant and on the other parties to
whom this notice is addressed. Your answer must comply with
the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

If applicable, National Credit Regulator registration number and date of
registration with the Regulator

Part B: Details of the other party to the dispute

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

If applicable, National Credit Regulator registration number and date of
registration with the Regulator

Part C: Details of the ADR agent to whom the matter was referred

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

National Credit Regulator registration number and date of registration
with the Regulator

Part D: Order sought from the Tribunal

I / we, in view of, _____

(state the principal points of dispute as well as the allegation of
prohibited conduct)

hereby apply for an order that: _____

(formulate the order sought from the Tribunal).

**Part E: Applicant's certification that its attempt at
alternative dispute resolution has failed**

I/ we certify that we have tried in good faith to resolve the dispute
directly with the other party and through alternative dispute resolution,
but that these attempts have failed.

Attach a copy of the ADR agent's completed Form NCR 28, together with
the documents referred to in that form.

State date of the failure of ADR (as stated on the agent's certificate -
Form NCR 28) _____

If this application is brought more than 20 business days after the date
stated above, provide reasons why the Tribunal should permit the
application _____

**Part F: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the party named in Part B has been notified of this
application by service in the manner indicated below, of a copy of this
Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by
registered mail to follow.

Part G: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part H: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this
application:

- (a) a copy of the Form and documents mentioned in Part E;
- (b) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.149(1)

**Application to the National Consumer Tribunal for
an interim order pending the hearing
of a complaint referral**

This application must be filed with the Tribunal and served on the party mentioned in Part D, according to Tribunal Rules 9-16.

Date _____

To _____

(the respondent or prospective
respondent in the principal
matter)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an interim order for urgent relief pending the hearing of the principal matter described in Part C of this application.

Further note that you may oppose the application by serving an answer on the Applicant and on the other parties to whom this notice is addressed. Your answer must be within 10 business days or such shorter period as the Tribunal Chairperson may advise in writing. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part B: Details of the other party to the principal matter

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

**Part C: Order sought from the Tribunal
and grounds for application**

I/ we, having initiated a complaint before the Regulator under section
136 that has led to a referral or application to the Tribunal, namely
_____ (state the Tribunal Reference Number for
the referral or application), hereby apply for an interim order providing
relief in the following terms:

(formulate the order sought from the Tribunal).

In the event that interim relief is not granted,
the following serious, irreparable damage may result to us:

or,

the purposes of the Act may be frustrated in the following way:

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the party named in Part B has been notified of this
application by service in the manner indicated below, of a copy of this
Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by
registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

(a) proof of service in accordance with Tribunal Rule 85 for the party named in Part B;

(b) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.148(1)

Appeal to a full panel of the National Consumer Tribunal

This application must be filed with the Tribunal in accordance with
Tribunal Rules 12-16.

Date _____

To _____

(the Tribunal member
presiding over the hearing
appealed against)

Please take note that the appellant named in Part A has appealed
to a full panel of the National Consumer Tribunal for an order to
set aside its earlier ruling made by a single member of the
Tribunal.

Part A: Details of the appellant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part B: Details of the ruling appealed against

The matter between the appellant and _____

(name the other party to the matter) for _____

_____ (describe the relief or order that had been applied for) was heard on

_____ by _____ (name the
Member responsible for the ruling).

Tribunal Reference Number _____

Append a copy of the ruling to this application.

**Part C: Order sought from the Tribunal
and grounds for appeal**

The appellant seeks an order in the following terms:

That the earlier ruling of the single member be set aside, and
that the following order / ruling be made by the Tribunal instead:

(specify the alternative order or ruling sought).

The appeal is sought on the following grounds:

(note that alternative grounds for the appeal may be set out provided
they are based on the same facts).

Part D: Applicant's certification of payment of application fee

I/we certify that an application fee of R200.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part E: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

- (a) a copy of the ruling appealed against;
- (b) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Appellant, or duly authorised to sign on
behalf of the Appellant

Form TI:165

**Application to the National Consumer Tribunal to
vary or rescind an order**

This application must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal Rules 9-16.

Date _____

To _____

(the parties to the matter in
respect of which the order was
made)

Please take note that the Applicant named in Part A has applied to the National Consumer Tribunal to vary or rescind an order made in respect of the matter described in Part C of this application.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Details of the ruling to be varied or rescinded

The order was made in respect of the matter between _____

(name all the parties to the matter, providing a physical and postal address, e-mail, telephone and fax number for each of them), for

(describe the relief or order that had been applied for) was heard on _____ by _____ (name the Presiding Member).

The Tribunal Reference Number for this matter is _____

Append a copy of the ruling to this application.

Part C: Order sought from the Tribunal
and grounds for appeal

I/we, being affected by the decision or order of the Tribunal described in Part B in the following way:

(describe in detail how you are affected by the decision or order)

hereby apply for that order / decision to be –

☐ rescinded

or,

☐ varied in the following way:

The rescission / variation is sought on the following grounds:

☐ the order / decision was erroneously sought or granted in my / our absence

☐ the order / decision contains an ambiguity, obvious error or omission, being _____

(describe the ambiguity, error or omission)

☐ the order / decision was made or granted as a result of a mistake common to all the parties to the proceedings, being _____

(describe the mistake)

Part D: Applicant's certification of notice to parties,
service of documents and means of service

This part must be completed in full for all the parties named in Part B.

I/we certify that the other party named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R200.00 has been transferred/ deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

Part F: Applicant's certification of other documents
appended to the application

I/we certify that the following documents are appended to this
application:

- (a) a copy of the ruling to be varied or rescinded;
- (b) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.127(6)

Notice of a remittance to the National Consumer Tribunal of
the proceeds from a sale of goods and an Application for the
distribution of the proceeds

This application must be filed with the Tribunal and served on the
parties mentioned in Part B, in accordance with Tribunal Rules 9 -16.

Date _____

To _____

(name of the consumer in respect of
whom the goods were sold)

And to _____

(name of other registered credit
provider in respect of the same
goods)

etc.

Please take note that the Applicant named in Part A has remitted
the balance of the proceeds derived from a sale of goods
described in Part C to the National Consumer Tribunal with an
application for an equitable distribution of those proceeds to other
credit providers having registered credit agreements against the
consumer named in Part B, in respect of the same goods.

Further note that you may oppose or become party to the
application by serving an answer on the Applicant and on the
other parties to whom this notice is addressed, within 15 business
days of the date of this notice. Your answer must comply with the
Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number _____

Date of registration with the Regulator _____

**Part B: Details of other parties having an interest
in the proceeds**

This part must be completed in full for the consumer in respect of whom the goods were sold and for every other credit provider with a registered credit agreement in respect of the same goods.

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number

Part C: Description of goods and proceeds

An amount of

 (the amount in words) was deposited to the Tribunal's designated account on

, being the proceeds from the sale of the following asset:

 (give detailed description, including and registration or other unique number) in settlement of an instalment agreement, secured loan or lease owing by the consumer.

Attach a statement setting forth the proceeds of the sale and the amounts deducted and showing clearly how the balance constituting the deposit was derived.

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

This part must be completed in full for every person named in Part B.

I/we certify that

 has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

**Part E: Applicant's certification of other documents
appended to the application**

I/we certify that the following documents are appended to this application:

- (a) the statement mentioned in Part C;

(b) proof of service in accordance with Tribunal Rule 85 for each of the parties named in Part B;

(c) proof of payment in accordance with the Tribunal Rules of the amount stated in Part C.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on behalf of the
Applicant

Form TI.r4

**The National Consumer Tribunal
Notice of Motion**

This notice must be filed with the Tribunal and served in accordance with Tribunal Rules 9-16 on the party mentioned in Part D.

Date _____

To _____

(the respondent)

Please take note that the Applicant in Part A has commenced proceedings before the National Consumer Tribunal for the order set out in Part C.

Further note that you may oppose the application by serving an answer on the Applicant and on any other party to whom this notice is addressed. Your answer must be within 15 business days of the date of this notice and comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Details of the respondent

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator

Part C: Order sought from the Tribunal

I / we hereby apply for an order in the following terms: _____

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the party named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____.

**Part F: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

- (a) an affidavit setting out the facts on which the application is based.
- (b) proof of service in accordance with Tribunal Rule 85 for the party named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form Nr23

Notice of intention to intervene in a s.137(3) application
before the National Consumer Tribunal

This notice must be filed with the Tribunal and served on the parties
mentioned in Part B, in accordance with Tribunal Rules 9 -16.

Date _____

To _____

And to _____

(the parties to the principal
matter)

Please take note of the intention of the National Credit Regulator
to intervene in the matter described in Part C.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers
of the National Credit Regulator:

Person responsible for this application, and position within the National
Credit Regulator:

Part B: Details of the parties to the principal matter

(provide these details for every party to the matter in which the
Regulator will intervene)

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part C: Details of the matter in which the Regulator will intervene

The Regulator will intervene in the section 137(3) application described below: _____

Tribunal Reference Number _____

The nature of the Regulator's interest in the proceedings and reason for the intervention _____

The aspect in respect of which the Regulator will make representations _____

**Part D: Applicant's certification of notice to parties,
service of documents and means of service**

I/we certify that the parties named in Part B have been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

(provide separate details for each party)

**Part E: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

(a) proof of service in accordance with Tribunal Rule 85 for the party named in Part B.

Signed at _____ on _____

by _____ (name) _____ (position)

duly authorised to sign on
behalf of the National Credit Regulator

Form II.r26

**Application to intervene in a matter before
the National Consumer Tribunal**

This application must be filed with the Tribunal and served on the parties mentioned in Part B, in accordance with the Tribunal Rules.

Date _____

To _____

And to _____

(the parties to the principal
matter)

Please take note that the Applicant has commenced proceedings before the National Credit Regulator for an order to permit the Applicant to intervene in the matter described in Part C.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part B: Details of the parties to the principal matter

(provide these details for every party to the matter in which the
Applicant wishes to intervene)

Name, physical and postal address, e-mail, telephone and fax numbers

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part C: Description of the matter, and grounds for intervention

The Applicant hereby applies for an order that the Applicant be permitted to intercede in the matter and to the extent described below.

Description of the matter _____

Tribunal Reference Number _____

The aspect in respect of which the Applicant wishes to make representations _____

The nature of the Applicant's interest in the proceedings and reasons why the intervention should be granted _____

Part D: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the party named in Part B has been notified of this application by service in the manner indicated below, of a copy of this Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow.

Part E: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/ deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

Part F: Applicant's certification of other documents appended to the application

I/we certify that the following records are appended to this application:

- (a) proof of service in accordance with Tribunal Rule 85 for the party named in Part B;
- (b) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TI.r54

**The National Consumer Tribunal
Notice of Withdrawal**

This notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with the Tribunal Rules.

Date _____

To _____

(the respondent and other
parties in the matter)

In the matter between _____ (Applicant)

and _____ (Respondent)

Tribunal Reference Number _____

Please take note that the Applicant hereby -

- ☐ withdraws the application / referral; or
☐ part of the application / referral, as specified

The Applicant -

- ☐ consents to pay costs as specified in the attached schedule;
or
☐ does not consent to pay costs, pending the award of costs by
the Tribunal.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part B: Details of the other party or parties to the principal matter

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

**Part C: Applicant's certification of notice to parties,
service of documents and means of service**I/we certify that the party named in Part B has been notified of this
application by service in the manner indicated below, of a copy of this
Form:

- ☐ delivery to the party's physical address
- ☐ dispatch by registered mail to the party's postal address
- ☐ dispatch by fax or e-mail, with delivery to a physical address or by
registered mail to follow.

**Part D: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

- (a) if applicable, a schedule of the costs which the Applicant has
consented to pay;
- (b) proof of service in accordance with Tribunal Rule 85 for the party
named in Part B;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at

 on

by

 (name)

 (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TLr96

**Application to the National Consumer Tribunal to condone
non-compliance with a rule or procedure**

This application must be filed with the Tribunal in accordance with
Tribunal Rules 12 -16.

Date _____

In the matter between _____ (Applicant)

and _____ (Respondent)

Tribunal Reference Number _____

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part B: Details of the other party to the principal matter

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

**Part C: Order sought from the Tribunal
and grounds for application**

I/ we, hereby apply to the Tribunal for an order that the non-compliance
described below be condoned for the reasons provided:

Part D: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part E: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

(a) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TLr87

**Application for an order of
deemed service**

This application must be filed with the Tribunal in accordance with the Tribunal Rules.

Date _____

In the matter between _____ (Applicant)

and _____ (Respondent)

Tribunal Reference Number _____

I/ we being the _____ (state whether Applicant, Respondent, an intervener, or other party to the proceedings), having _____

(describe the methods used and attempts made at serving, and attach any documentary proof of failed service)

hereby apply for an order that the following documents be
deemed to have been served on the party mentioned in Part B

(describe the documents required to be served, and attach copies)

Part A: Details of the Applicant for deemed service

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

**Part B: Details of the party in respect
of whom the order is sought**

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration
with the Regulator, if applicable

Part C: Applicant's certification of payment of application fee

I/we certify that an application fee of R100.00 has been transferred/
deposited into the Tribunal's designated bank account.

The Applicant's deposit / transfer reference is _____

**Part D: Applicant's certification of other documents
appended to the application**

I/we certify that the following records are appended to this application:

- (a) documentary evidence of failed service;
- (b) copies of documents required to be served;
- (c) proof of payment in accordance with the Tribunal Rules.

Signed at _____ on _____

by _____ (name) _____ (position)

Applicant, or duly authorised to sign on
behalf of the Applicant

Form TL.r98

The National Consumer Tribunal
Payment Advice

This application must be filed with the Tribunal in accordance with
Tribunal Rules 98-101.

Date _____

In the matter between _____ (Applicant)

and _____ (Respondent)

Tribunal Reference Number _____

The signatory hereby confirms payment of the amount of
_____ (amount in words) payable in
respect of _____

into the Tribunal's designated bank account, by

- ☐ cash deposit
- ☐ electronic funds transfer

on _____ (date of payment).

Payer's reference number as on the deposit record _____.

Attach a copy of the deposit record.

Signed at _____ on _____

by _____ (name) _____ (position)

Payer, or on behalf of the Payer

Table 1	
Section	Type of application
55(6)	Application by the Regulator to enforce compliance with a notice issued in terms of s.55(1)
56(1)	Application to set aside a notice issued by the Regulator in terms of s.54(1) or s.55(1)
57(1)	Application by the Regulator to cancel the registration of a registrant under the Act
59(1)	Application to review a decision of the Regulator under chapter 3 of the Act
62(3)	Application to limit a credit provider's obligation to provide reasons for a refusal of credit (refer to s.142(3)(f) applications)
63(5)	Application to review a decision regarding the languages used in credit documentation
65(5)	Application to limit a credit provider's obligation to deliver documents (refer to s.142(3)(f) applications)
71(3)	Application by a consumer to procure a clearance certificate
72(6)	Application to limit an obligation to produce information (refer to s.142(3)(f) applications)
82(4)	Application by the Regulator to impose guidelines for the assessment of credit ability
99(2)	Application by a consumer for compensation from a pawnbroker in lieu of property
110(5)	Application to limit a credit provider's obligation to produce statements of amounts owing (refer to s.142(3)(f) applications)

113(4)	Application to limit a credit provider's obligation to produce settlement amounts (refer to s.142(3)(f) applications)
114(1)	Application by a consumer upon failure to produce a statement
115(1)	Application by a consumer to resolve a disputed entry to a statement
128(1)	Application by a consumer for a review of a sale of goods
141(1)(b)	Referral to the Tribunal by a complainant who submitted a complaint to the Regulator in terms of s.136, with application for leave to refer
142(3)(f)	Application to limit obligations in respect of frivolous, vexatious or unreasonable requests in respect of sections 62, 65, 72, 110 or 113

TABLE 2**Part 1 : Applications directly to the Tribunal**

<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>	<i>g</i>	<i>h</i>
application type	description	limitation on time for submission	form to be used	other documents to be included in application	application fee	parties to be notified	documents to be served
Section 55(6)	application by the Regulator to enforce compliance with a compliance notice issued in terms of s.55(1)	the application must be filed before receipt of an application in terms of s.56 to set aside the notice	Form TI.55(6)	(1) a copy of the notice issued in terms of s.55(1) (Form NCR 13) (2) copies of documents or records in evidence of the failure or non-compliance	n/a	the person to whom the compliance notice was issued if the person to whom the compliance notice was issued is a regulated financial institution, the financial regulator	on both parties mentioned in <i>column g</i> , Form TI.55(6) and the documents described in (2) of <i>column e</i>
Section 56(1)	application to modify or set aside a notice issued by the Regulator in terms of s.54(1) or s.55(1)	the application must be filed within 15 business days of receiving the notice, or later if the Tribunal permits	Form NCR 14	(1) a copy of the notice issued by the Regulator (Form NCR 12 or 13) (2) an affidavit setting out the grounds for the objection and the order sought from the Tribunal (3) proof of service	One thousand rand (R1000.00)	the Regulator	on the Regulator, a copy of Form NCR 14; and the affidavit described in <i>column e</i>
Section 57(1)	application by the Regulator to cancel the registration of a registrant	n/a	Form TI.57(1)	(1) documents in support of the allegation of failure or contravention (2) a copy of the registration certificate and any conditions attached at the time of registration, and any subsequent conditions or revisions of conditions (3) if the application relates to a regulated financial institution, a copy of the consent given by the financial regulator in terms of s.57(2)(c)	n/a	the registrant if the registrant is a regulated financial institution, the financial regulator	on the registrant, a copy of Form TI.57(1) and the documents under (1) and (3) of <i>column e</i> on a financial regulator that has given its consent for purposes of s.57(2)(c), a copy of Form TI.57(1) only

Section 59(1)	application to review a decision of the Regulator under Chapter 3 of the Act	the application must be filed within 20 business days of the Regulator's decision, or later if the Tribunal permits	Form TI.59(1)	(1) if the decision was in response to an application to the Regulator, then a copy of the relevant Form NCR by which the application was made, together with all documents submitted in support of the application (2) a copy of the written record of the decision of the Regulator which is to be reviewed	five hundred rand (R500.00)	the Regulator if the applicant for review is someone other than the registrant or aspirant registrant in respect of the Regulator's decision, then also the registrant or aspirant registrant	on all parties mentioned in column g, a copy of Form TI.59(1)
Section 62(3)	application to limit a credit provider's obligation to provide reasons for a refusal of credit (refer to s.142(3)(f) applications)						
Section 63(5)	application to review the rejection of a language proposal	the application must be filed within 20 business days of receipt of the Regulator's notification of rejection of the proposal, or later if the Tribunal permits	Form TI.63(5)	(1) a copy of the proposal that was rejected (2) a copy of the Regulator's notification of rejection of the proposal	five hundred rand (R500.00)	the Regulator	A copy of Form TI.63(5) only
Section 65(5)	application to limit a credit provider's obligation to deliver documents (refer to s.142(3)(f) applications)						
Section 71(3)	application by a consumer to review a decision to refuse a clearance certificate	n/a	Form TI.71(3)	(1) a copy of the agreement or Magistrate's Court order whereby the debt was re-arranged (2) a copy of the application to the debt counsellor (including any receipt or other document to prove that the consumer has met obligations arising from the agreement)	one hundred rand (R100.00)	the debt counsellor from whom the certificate is to be obtained	Form TI.71(3) only

				(3) if available, the debt collector's reasons in writing for refusing to issue the clearance certificate			
Section 72(6)	application to limit an obligation to produce information (refer to s.142(3)(f) applications)						
Section 82(4)	application to impose guidelines for the assessment of credit ability	n/a	Form TL.82(4)	(1) copies of documents or records giving evidence of failures or contraventions (2) if applicable, a copy of any guidelines published in terms of s.82(2)(b)	n/a	the credit provider	a copy of Form TL.82(4) with the documents mentioned in column e
Section 99(2)	application for compensation from a pawnbroker in lieu of property	within 20 business days of paying the settlement value under the agreement or within such longer period permitted by the Tribunal	Form TL.99(2)	(1) pawnbroker's agreement and receipt of goods (2) if applicable, documents in evidence of the value of the property (3) if applicable, the pawnbroker's receipt of the settlement value	one hundred rand (R100.00)	the pawn broker	a copy of Form TL.99(2)
Section 110(5)	application to limit a credit provider's obligation to produce statements of amounts owing (refer to s.142(3)(f) applications)						
Section 113(4)	application to limit a credit provider's obligation to produce settlement amounts (refer to s.142(3)(f) applications)						

Section 114(1)	application by a consumer to compel the production of a statement	n/a	Form TI.114(1)	(1) a copy of the credit agreement (2) if available, a copy of the most recent statement delivered to the consumer (3) if applicable, a copy of the applicant's written request for a statement	one hundred rand (R100.00)	the credit provider	a copy of Form TI.114(1)
Section 115(1)	application to resolve a disputed entry to a statement	within 15 business days of the issuing of a Form NCR 28 (issued by an ADR agent upon failure of dispute resolution)	Form TI.115(1)	(1) a completed Form NCR 28 (2) copies of the statements containing disputed entries (3) a copy of the credit provider's written notice under s.111(2)(a)	one hundred rand (R100.00)	the credit provider	a copy of Form TI.115(1)
Section 128(1)	application for a review of a sale of goods	n/a	Form TI.128(1)	(1) a copy of the credit provider's written notice of the estimated value of the goods, as required by s.127(2). (2) if applicable, a copy of the notice given under s.127(1) (3) if applicable, the credit providers receipt of goods delivered in terms of s.127(1)(b)(ii) (4) if applicable, any correspondence with the credit provider regarding the sale of goods (5) if applicable, any document supporting the applicant's evaluation of the property	one hundred rand (R100.00)	the credit provider	a copy of Form TI.128(1)
Section 138(1)	application for a consent order	n/a	Form TI.138(1)	a signed copy of the agreement reached between the parties to the dispute resolution, formulated as an order of the Tribunal	One hundred rand (R100.00)	the other persons mentioned in Form TI.138(1)	a copy of Form TI.138(1) and a copy of the agreement mentioned in column e
Section 142(3)(f)	application to limit obligations in respect of	n/a	Form TI.142(3)(f)	if available, records or documents to show that requests are frivolous, vexatious or wholly unreasonable	One hundred rand (R100.00)	the consumer	a copy of Form TI.142(3)(f)

	frivolous, vexatious or unreasonable requests						
Part 2: Complaint referrals (matters originating as complaints to the Regulator)							
Section 137(1)(a)	application by the Regulator to resolve a dispute over information held by a credit bureau	n/a	Form NCR 30	(1) a copy of the complainant's Form NCR 29; (2) a copy of any evidence produced by the credit bureau in terms of s.72(3)(a); and (3) the Regulator's report on its investigation into the matter with all relevant information and conclusions (4) proof of service	n/a	the complainant (person to whom the disputed information relates) the credit bureau	on the complainant, a copy of Form NCR 30 only on the credit bureau, copies of Form NCR 30, Form NCR 29, and documents (1) and (3) from the list in column e
Section 137(1)(b)	application by the Regulator compelling the production of a statement of account or the review of a statement	within 15 business days of the consumer lodging the complaint with the Regulator (being, the receipt of Form NCR 29)	Form NCR 30	(1) the consumer's Form NCR 29 (2) the Regulator's report on its investigation into the matter with all relevant information and conclusions (3) if the application is to compel the delivery of a statement, Form TI.114(1) completed by the Regulator together with the other documents mentioned in that Form; or (4) if the application is to review entries to a statement, Form TI.115(1) completed by the Regulator together with the other documents mentioned in that Form	n/a	the complainant (person to whom the statement is owing) the credit provider	on the complainant, a copy of Forms NCR 30 and TI.114(1) or 115(1) on the credit provider, copies of Form NCR 30, documents (1) and (2) from the list in column e, and Form TI.114(1) or TI.115(1)
Section 137(1)(c)	application by the Regulator to review a sale of goods or the distribution of the proceeds of a sale	n/a	Form NCR 30	(1) the complainant's completed Form NCR 29 (2) the Regulator's report on its investigation into the matter with all relevant information and conclusions	n/a	the complainant the credit provider	on the complainant, a copy of Form NCR 30 on the credit provider, copies of Form NCR 30,

				<p>(3) if the application is to review a sale of goods, Form TI.128(1) completed by the Regulator with the other documents mentioned in that Form</p> <p>(4) if the application is to review the distribution of proceeds, proof of service</p>			documents (1) and (2) from the list in <i>column e</i> and if applicable, Form TI.128(1)
Section 137(1)(d)	referral by the Regulator of a complaint and application for leave to bring complaint directly before the Tribunal (matters referred before the conclusion of an investigation)	n/a	Form NCR 30	<p>(1) the complainant's completed Form NCR 29 with all the documents that were included in the complaint initiation; and</p> <p>(2) an affidavit setting out the order sought from the Tribunal, the parties that will be affected by the order, findings of any preliminary investigation into the complaint, the reasons why the Regulator is unable or unwilling to investigate the matter, whether the complainant consents to the matter being brought before the Tribunal and reasons why leave should be granted</p> <p>(3) proof of service</p>	n/a	<p>the complainant</p> <p>the parties listed in the affidavit mentioned in <i>column e</i></p>	<p>to the complainant, a copy of Form NCR 30, and the affidavit mentioned in <i>column e</i></p> <p>to the other parties, copies of Form NCR 30, and all the documents mentioned in <i>column e</i></p>
Section 140(1)	application by the Regulator at the conclusion of an investigation into a s.136 complaint	n/a	Form NCR 32	<p>(1) the complainant's completed Form NCR 29 with all the documents that were included in the complaint initiation</p> <p>(2) the Regulator's report on its investigation into the matter with all relevant information and conclusions</p> <p>(3) proof of service</p>	n/a	<p>the complainant</p> <p>all other parties that will be affected by the order or relief sought in terms of Form NCR 32)</p>	<p>to the complainant, a copy of Form NCR 32</p> <p>to all other parties, copies of Form NCR 32, and all the documents listed in <i>column e</i></p>
Section 141(1)(b)	Referral by a complainant following the Regulator's non-	within 20 business days of the date of the notice of non-referral, or within a longer time	Form NCR 32	(1) the complainant's completed Form NCR 29 with all the documents that were included in the complaint initiation	One hundred rand (R100.00)	the Regulator	to the Regulator, a copy of Form NCR 32

	referral of a s.136 complaint, with application for leave to refer	permitted by the Tribunal		(2) the Regulator's notice of non-referral (Form NCR 31) (3) proof of service		the entity or person complained about (as described in Form NCR 32)	to the person complained about, copies of Form NCR 32; Form NCR 31, & Form NCR 29
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Part 3: Disputes between consumers and credit providers referred after failure of ADR

Section 137(3)	application upon failure of alternative dispute resolution between a consumer and credit provider	within 20 business days from the date of a certification in the form of NCR 28 that the dispute resolution has failed, or within a longer time if the Tribunal permits	Form TI.137(3)	a copy of Form NCR 28 certifying the failure of dispute resolution between the parties, together with all documents mentioned in that Form	One hundred rand (R100.00)	the other party to the failed dispute resolution the Regulator	to both parties mentioned in <i>column g</i> , copies of Forms TI.137(3) and NCR 28 (without the other documents mentioned in that form)
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Part 4: Interim relief in respect of a complaint referral

Section 149(1)	application for an interim order pending the hearing of a complaint referral	at any time before the conclusion of the hearing of the matter	Form TI.149(1)	n/a	One hundred rand (R100.00)	the Regulator, the respondent or prospective respondent in the principal matter, as mentioned in Form TI.149(1)	to all parties mentioned in <i>column g</i> , a copy of Form TI.149(1)
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Part 5: Procedural matters

Rule 23	notice by the Regulator of intention to intervene in a s.137(3) application	at least 5 business days before the hearing of the s.137(3) application	Form TI.r23	n/a	n/a	the parties to the s.137(3) application	a copy of Form TI.r23
Rule 26	application to intervene in a matter before the Tribunal	at least 5 business days before the hearing of the principal matter	Form TI.r26	the documents mentioned in Form TI.r26	one hundred rand (R100.00)	the parties to the principal matter	a copy of Form TI.r26

Section 140(4) or 141(2)(a)	application for matter to be referred to an alternative forum	within 20 business days of the date of notification that the matter has been referred to the original forum, but no later than 10 business days before the matter is set down to be heard in the original forum	Form NCR 33	(1) an affidavit in support of the application, showing why the alternative forum – (a) would better serve the interests of justice; or (b) would on a balance of interests be more convenient to the parties to the matter (2) proof of service	one hundred rand (R100.00)	the consumer court to which the matter was referred the other parties to the matter	to all parties, a copy of Form NCR 33 and the affidavit mentioned in <i>column e</i>
Section 137(1)(e)	application by the Regulator to condone late filing	n/a	Form NCR 30	(1) An affidavit stating reasons for late filing and why late filing should be condoned (2) proof of service	n/a	the other parties to the matter	to all parties, a copy of Form NCR 30 and the affidavit described in <i>column e</i>
Rule 87	application for deemed service	no later than 5 business days after the expiry of the time allowed for the service, or at any other time that the Tribunal allows	Form TI.r87	a copy of any documentary evidence of failed service	one hundred rand (R100.00)	n/a	n/a
Rule 96	application to condone non-compliance with the Tribunal's rules and proceedings	n/a	Form TI.r96	n/a	one hundred rand (R100.00)	n/a	n/a
Part 6: Appeals and variation orders							
Section 148(1)	Appeal to a full panel against the decision of single member of the Tribunal	within 20 business days of the date of the ruling, or within a longer period if the Tribunal allows	Form TI.148(1)	a copy of the ruling appealed against	two hundred rand (R200.00)	the Tribunal Member responsible for the original ruling	a copy of Form TI.148(1) and the document mentioned in <i>column e</i>
Section 165	Application for variation or rescission of order	n/a	Form TI.165	(1) a copy of the ruling to be varied or rescinded (2) the other attachments named in Form TI.165	one hundred rand (R100.00)	the parties to the matter in respect of which the order was made	to all parties named in <i>column g</i> a copy of Form TI.165 and document (1) from the list in <i>column e</i>

Part 7: Distribution order in respect of remittances

s.127(6)	Application by credit provider for distribution of a remittance	within 5 business days of receiving the proceeds of the sale of goods	Form TI.127(6)	a statement of account showing the proceeds of sale and how the remitted amount was derived	n/a	the consumer the other credit providers with registered claims	to all parties, a copy of Form TI.127(6) and the statement described in <i>column e</i>
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Table 3 Oaths and affirmations	
Witness	I, (full names) swear / solemnly declare upon my honour and conscience that I shall speak the truth, the whole truth and nothing but the truth.
Expert witness	I, (full names) swear / solemnly declare upon my honour and conscience that I shall state what I sincerely believe to be correct and true.
Interpreter	I, (full names) swear / solemnly declare upon my honour and conscience that whenever I am called upon to interpret in any proceedings before the Tribunal, I will correctly interpret to the best of my ability from the language of the inquisitor to the language of the witness or deponent, and <i>vice versa</i> .